

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (CAMDEN)</b>	
<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor <b>Ditech Financial LLC</b>  Harold Kaplan, Esq. (HK-0226)	BANKRUPTCY PETITION NO.: 18-26715-ABA  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Khairul Mostofa,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Ditech Financial LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 2), and states as follows:

1. Debtor, Khairul Mostofa ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 21, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 4023 Ventnor Avenue, Atlantic City, NJ 08401-5923, by virtue of a Mortgage recorded on May 10, 2007 in Book 12613 of the Public Records of Atlantic County, NJ. Said Mortgage secures a Note in the amount of \$244,000.00.
3. The Debtor filed a Chapter 13 Plan on August 21, 2018.
4. The Plan fails to mention the total amount of arrears owed. It is anticipated that Secured Creditor's claim will show the estimated pre-petition arrearage due Secured Creditor is \$83,915.77. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which fails to acknowledge \$83,915.77 as the pre-petition arrearage over the life of the plan.

5. The Plan evidences an intent to seek loan modification. Thus far, loss mitigation has not been offered or approved. Further the Property is not listed as the debtor's principal residence and as such the option of a loan modification would likely not be available. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone Number 973-575-0707

By: /s/Harold Kaplan  
Harold Kaplan, Esquire  
NJ Bar Number HK-0226  
Email: hkaplan@rasnj.com

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**CERTIFICATION OF SERVICE**

1. I, Harold Kaplan, represent Ditech Financial LLC in this matter.
2. On 9/19/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

9/19/2018

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone Number 973-575-0707  
By: /s/Harold Kaplan  
Harold Kaplan, Esquire  
NJ Bar Number HK-0226  
Email: hkaplan@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Thomas E. Dowey Law Office of Thomas Dowey 1423 Tilton Road Suite 8 Northfield, NJ 08225 609-646-6200 Email: tdesquire@hotmail.com	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Khairul Mostofa 124 N Portland Ave. Second Floor Ventnor City, NJ 08406	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002 (856) 663-5002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102 (973) 645-3014	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)